

Sixth Appellate District

San Jose, California

MONDAY, FEBRUARY 10, 2003

H022640 PEOPLE v. LAYMAN

By the Court*:

Appellant's petition for rehearing is denied.

Filed: February 10, 2003

*Before Rushing, P.J., Premo, J. and Elia, J.

H025256 GARCIA v. SUPERIOR COURT OF MONTEREY COUNTY; THE PEOPLE

Let a peremptory writ of mandate issue directing respondent court to reconsider its order denying the motion for forensic deoxyribonucleic acid (DNA) testing pursuant to section 1405 of the Penal Code in light of this opinion. The motion for appointment of counsel to represent petitioner in these proceedings is denied without prejudice to refile in the superior court, pursuant to section 1405, subdivision (b). This opinion is made final immediately as to this court. (Cal.Rules of Court, rule 24(b)(3.) (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed February 10, 2003

TUESDAY, FEBRUARY 11, 2003

H023612 OXNER v. DAIMLER CHRYSLER CORPORATION

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)

Filed February 11, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Bamattre-Manoukian, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H022290 PEOPLE v. ALLISON

Cause called and argued by Paul Kleven appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021551 PEOPLE v. DIAZ

Cause called and argued by David Carico appearing for Appellant and by Linda M. Murphy, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, February 11, 2003 (continued)

H022070 PEOPLE v. LAIWALA

Cause called and argued by Tom Nolan appearing for Appellant and by George F. Hindall, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Rushing, P.J. steps down and Premo, Acting P.J. takes the bench

H023575 PEOPLE v. VILLA

H024182 PEOPLE v. VILLA

Causes called and argued by William Robinson appearing for Appellant and by George F. Hindall, Deputy Attorney General, appearing for Respondent. Causes ordered submitted.

Bamattre-Manoukian, J. steps down and Wunderlich, J. takes the bench.

H022369 JOHNSTON v. YEAMANS, et al.

Cause called and argued by Russell J. Hanlon appearing for Appellant and by Mark Goldowitz appearing for Appellant Yeamans and by Michael Reedy appearing for Respondents Duncan, et al. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Bamattre-Manoukian, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H023834 PEOPLE v. OLMOS

Cause called and argued by Jeanine Strong appearing for Appellant and by Allan Yannow, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023338 PEOPLE v. SANCHEZ

Cause called and argued by Gordon Scott appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, February 11, 2003 (continued)

H023742 SANCHEZ v. BAGHAI, et al.

Cause called and argued by Dean Lloyd appearing for Appellants and by Terra Chaffee, Certified Law Student, and Scott Maurer appearing for Respondent. Cause ordered submitted.

H023519 PEOPLE v. RANGER INSURANCE, CO., et al.

Cause called and argued by John Viljoen appearing for Appellants and by Harrison Taylor, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H023859 McCABE v. FORD

Cause called and argued by Roy Gunter appearing for Appellant and by David Carico appearing for Respondent. Cause ordered submitted.

H023677 SMITH v. STATE OF CALIFORNIA, et al.

Cause called and argued by Cheryl Weiner appearing for Appellant and by Bradley Solomon, Deputy Attorney General, appearing for Respondents. Cause ordered submitted. Court adjourns.

H022678 PEOPLE v. CORDOVA

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 11, 2003

THURSDAY, FEBRUARY 13, 2003

H024067 PEOPLE v. DALE

By the Court:

The opinion which was filed on January 21, 2003, is certified for publication. (Premo, J.; Rushing, P.J., Elia, J.)

The written opinion which was filed on January 21, 2003, has now been certified for publication pursuant to rule 976(b) of the California Rules of Court, and it is therefore ordered that the opinion be published in the official reports.

Dated: February 13, 2003

Rushing, P.J.

Sixth Appellate District

San Jose, California

Thursday, February 13, 2003 (continued)

H022916 PEOPLE v. DIAZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 13, 2003

H022134 NGUYEN v. CALHOUN

By the Court*:

Respondent's petition for rehearing is denied.
Filed: February 13, 2003
*Before Premo, Acting P.J., Elia, J. and Wunderlich, J.

H023838 PEOPLE v. JOHNSON

(Filed order modifying opinion.) This modification does not
affect the judgment. The petition for rehearing is denied.
(published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 13, 2003

H020648 MHC OPERATING LIMITED PARTNERSHIP v. CITY OF SAN JOSE;
SUCHOLAS
H022038 MHC OPERATING LIMITED PARTNERSHIP v. CITY OF SAN JOSE;
SUCHOLAS

The City's appeal (H020648) is dismissed as moot. In MHC's
appeal (H022038), we affirm the trial court's order denying MHC's
motion for issuance of a supplemental writ of mandate. Each
party shall bear the costs of its own appeal. (published)
(Wunderlich, J.; We concur: Rushing, P.J., Bamattre-Manoukian,
J.)
Filed February 13, 2003

H023859 McCABE v. FORD

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Mihara,
J.)
Filed February 13, 2003

H023672 PEOPLE v. DANDRIDGE

By the Court*:

Appellant's petition for rehearing is denied.
Filed: February 13, 2003
*Before Rushing, P.J., Premo, J. and Wunderlich, J.

Sixth Appellate District

San Jose, California

Thursday, February 13, 2003 (continued)

H022726 PEOPLE v. GUZMAN

(Filed order modifying opinion.) No change in the judgment.
(not published)
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed February 13, 2003

H024275 In re ANGELINA A., et al; DFCS v. CYNTHIA R.

By the Court*:

Appellant's petition for rehearing is denied.
Filed: February 13, 2003
*Before Rushing, P.J., Premo, J. and Elia, J.

FRIDAY, FEBRUARY 14, 2003

H023458 PEOPLE v. JARDINEZ

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed February 14, 2003

H021587 PEOPLE v. GOMEZ, et al.

The judgment is modified in the following respects: (1) the term of 25 years to life imposed on Page for count 2 is stricken; (2) the term of 25 years to life imposed on Gomez for count 7 is stricken; and (3) the one year arming enhancement as to count 5 for both Page and Gomez is stricken. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgments of conviction are affirmed. (not published)
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.; with concurring opinion by Rushing, P.J.)
Filed February 14, 2003

H023934 DRAGO v. CITY OF SUNNYVALE, et al.

The judgment is affirmed. The parties shall bear their own costs and attorneys fees. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 14, 2003

H021788 KIMURA v. COLUMBIA GOOD SAMARITAN HOSPITAL, et al.

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed February 14, 2003

Sixth Appellate District

San Jose, California

Friday, February 14, 2003 (continued)

H023363 LAI v. GOODLEY

The order denying the special motion to strike is reversed. The matter is remanded to the trial court with directions to grant the motion, to strike plaintiff's complaint, and to enter judgment for defendant. On appropriate motion, the trial court shall determine and award defendant's reasonable attorney fees and costs, including those incurred on appeal. (not published) (Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed February 14, 2003